

**Remarks/Arguments:**

This amendment is in response to the Office Action dated June 11, 2008. Claims 1-12 are rejected under 35 USC Section 102(a) as anticipated by Foguel *et al.*, *Biotechnol. Bioeng.* 63: 552-558, 1999. Applicants traverse this rejection because the cited reference describes applicants' own work performed within one year before the application filing date and cannot be used against the application under 35 USC § 102(a). MPEP Section 2132.01. Applicants have submitted herewith declarations under 37 CFR 1.132 that Pedro Caetano de Sousa Jr., a co-author of the cited reference, was a student working under Applicants' direction and supervision, and that the publication describes Applicants' own work. Accordingly, Applicants respectfully request that the Section 102(a) rejection of claims 1-12 be withdrawn.

Claims 1, 3, 7, and 8 stand rejected under 35 USC Section 102(b) as anticipated by Silva, *J. Biol. Chem.* 264: 15863-15868, 1989; or under Section 103(a) as unpatentable over Litt (US Pat. No. 6, 635,469) and Silva. Applicants traverse these rejections for the following reasons.

Silva describes the effects of pressure on hemoglobin, a native oligomeric protein having several subunits. Applicants have specifically excluded native proteins comprising multiple subunits from their definition of "aggregate." In paragraph 0030 of the specification, "aggregate" is defined as follows: "Specifically, the term 'protein aggregate' is not intended to include the normal association between subunits of a native multi-subunit protein complex or the normal association of capsomeres in a native viral particle."

Thus, Applicants' claimed method does not encompass the native multi-subunit protein complex disclosed in Silva. Instead, Applicants' method is directed to abnormal protein aggregation and protein aggregates, for example, as described in paragraphs 0002 and 0003 of the specification.

As described in previous responses, Litt does not disclose all elements of Applicants' claimed method. Silva does not compensate for the missing elements in Litt, because Silva fails to teach or disclose "aggregates" as it is defined by Applicants' specification. Therefore, Applicants respectfully request that the Section 102(b) rejection of claims 1, 3, 7, and 8 and Section 103(a) rejection of claims 1-12 be withdrawn.

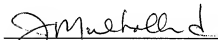
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Reply to Office Action of June 11, 2008

UOD-154US1

**Conclusion**

It is respectfully submitted that the claims are in condition for immediate allowance and a notice to this effect is solicited. The Examiner is invited to phone applicants' attorney if it is believed that a telephonic interview would expedite prosecution of the application.

Respectfully submitted,



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RAD:JM/gdb

Dated: August 5, 2008

Attachments: Executed Declarations Under 37 C.F.R. §1.132 for:

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The Director is hereby authorized to charge or credit Deposit Account No. **18-0350** for any additional fees, or any underpayment or credit for overpayment in connection herewith.

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